

Message Text

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USMISSION USUN NEW YORK IMMEDIATE
AMEMBASSY ANKARA PRIORITY
AMEMBASSY ATHENS PRIORITY

C O N F I D E N T I A L STATE 291105

FOR AMBASSADOR FROM ASSISTANT SECRETARY MAYNES

E.O. 11652: GDS

TAGS: PGOV, UNGA, CY, TU

SUBJECT: ICRC PARTICIPATION IN TRACING MISSING PERSONS
IN CYPRUS

1. OUR EFFORTS TO HELP THE GREEK AND TURKISH CYPRIOTS
REACH AGREEMENT ON A JOINT INVESTIGATORY COMMITTEE TO
TRACE MISSING PERSONS IN CYPRUS ARE NEARING CONCLUSION.
USUN HAS KEPT THE NEW YORK ICRC REPRESENTATIVE (MICHAELI)
FULLY INFORMED OF DEVELOPMENTS IN THESE NEGOTIATIONS.
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THE TERMS OF REFERENCE FOR THE COMMITTEE CALL FOR ESTABLISH-
ING A THREE-MAN BODY COMPOSED OF A REPRESENTATIVE OF
THE TWO COMMUNITIES AND AN OFFICIAL OF THE ICRC.
THE LATTER'S SELECTION WILL BE AGREED TO BY THE TWO OTHER
MEMBERS OF THE COMMITTEE.

2. PRESENT PLANNING FOR MAKING PUBLIC THE AGREEMENT, IF
IT IS CONCLUDED IN THE NEXT TWO DAYS AS IS HOPED, CALLS
FOR THE TWO SIDES AND TURKEY TO ANNOUNCE AGREEMENT UPON
RETURN OF THE GREEK CYPRIOT NEGOTIATOR TASSOS

PAPODOPOULOS TO NICOSIA, NOW SCHEDULED FOR DECEMBER 8.

3. TO PREPARE THE ICRC TO MOVE AS QUICKLY AS POSSIBLE IN ASSUMING ITS ROLE IN THIS COMMITTEE, YOU SHOULD AT THE EARLIEST OPPORTUNITY CALL ON ICRC DIRECTOR OF

OPERATION HOCKE OR ICRC PRESIDENT HAY TO PRESENT THEM WITH THE CURRENT TEXT (PARA 6 BELOW) AND CONVEY OUR HOPE THAT THEY WILL BE PREPARED TO ANNOUNCE ICRC AGREEMENT IN PRINCIPLE TO PARTICIPATE IN THE COMMITTEE DIRECTLY AFTER AGREEMENT HAS BEEN ANNOUNCED IN NICOSIA. YOU SHOULD NOTE THAT FINAL AGREEMENT HAS NOT BEEN REACHED, AND IN PARTICULAR THAT THE LANGUAGE OF PARA 12 ON EXHUMATION REMAINS UNDER NEGOTIATION, BUT THAT WE ARE QUITE HOPEFUL THAT AGREEMENT WILL BE REACHED DECEMBER 7 OR 8. YOU SHOULD POINT OUT THAT THIS IS PRODUCT OF PATIENT AND COMPLEX NEGOTIATING PROCESS THAT HAS RESULTED IN TRADE-OFFS BY BOTH SIDES. YOU SHOULD IMPRESS ON ICRC THAT, IF ACHIEVED, THIS AGREEMENT WOULD BE A SIGNIFICANT HUMAN RIGHTS ACHIEVEMENT FOR CYPRUS AND WOULD ASSIST UN SECRETARY GENERAL'S EFFORTS TO RESUME THE INTERCOMMUNAL TALKS IN A CONSTRUCTIVE MANNER. (UN HAS ALSO BEEN KEPT FULLY INFORMED, AND IS MOST CONFIDENTIAL

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SUPPORTIVE.)

4. ONCE AGREEMENT IS ANNOUNCED, WE EXPECT BOTH PARTIES TO ISSUE FORMAL INVITATIONS TO ICRC TO PARTICIPATE IN WORK OF COMMITTEE. ICRC WOULD BE EXPECTED TO NOMINATE AN OFFICIAL WHO, WITH THE APPROVAL OF BOTH PARTIES, WOULD SERVE AS THIRD MEMBER OF THE COMMITTEE. IT SHOULD NOT BE NECESSARY FOR THE ICRC TO AWAIT THE RECEIPT OF THIS INVITATION TO ANNOUNCE ITS READINESS TO PARTICIPATE IN THE COMMITTEE, ALTHOUGH IT WILL OF COURSE WISH TO CHECK WITH THE PARTIES DIRECTLY TO CONFIRM THAT THE AGREEMENT HAS BEEN CONCLUDED AND THAT AN ICRC ANNOUNCEMENT OF AGREEMENT IN PRINCIPLE IS DESIRED. YOU SHOULD STRESS THAT DELAY IN FORMALIZING THIS AGREEMENT COULD VERY WELL RISK ITS COMING APART SINCE BOTH SIDES ARE LIKELY TO COME UNDER EXTREME CRITICISM FOR COMPROMISES THEY HAVE MADE FROM INTERESTED PARTIES IN CYPRUS.

5. TO PUBLICIZE THE AGREEMENT AND CONFIRM IT INTERNATIONALLY, WE ARE PROPOSING THAT IT BE CIRCULATED AS A DOCUMENT OF THE SECURITY COUNCIL (AND PERHAPS OF THE GENERAL ASSEMBLY). THIS MAY BE DONE AT THE REQUEST OF THE PERMANENT REPRESENTATIVES OF CYPRUS AND TURKEY. IF IT IS PROCEDURALLY APPROPRIATE--WHICH WE ARE LOOKING INTO--THE ICRC MIGHT BE ASKED BY THE PARTIES TO REQUEST UN CIRCULATION OF THE TEXT OF THE AGREEMENT. ANOTHER ALTERNATIVE WOULD BE FOR THE ICRC

TO SEND A LETTER TO WALDHIEM STATING ITS READINESS TO PARTICIPATE, WHICH THE SECRETARY-GENERAL COULD THEN CIRCULATE ON HIS OWN INITIATIVE, WITH THE TEXT OF THE AGREEMENT AS AN ATTACHMENT.

6. FOLLOWING IS CURRENT TEXT OF MISSING PERSONS AGREEMENT (WORKING PAPER NO. 3, REV. 4):(BEGIN TEXT)

1) A COMMITTEE ON MISSING PERSONS IN CYPRUS WILL BE CONFIDENTIAL

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FORMED IMMEDIATELY CONSISTING OF THREE MEMBERS. THE GREEK CYPRIOT AND TURKISH CYPRIOT COMMUNITIES WILL EACH APPOINT ONE HUMANITARIAN PERSON TO THE COMMITTEE. THE THIRD MEMBER WILL BE AN OFFICIAL OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC). HIS SELECTION WILL BE AGREED TO BY THE TWO OTHER MEMBERS OF THE COMMITTEE.

2) THE DECISIONS OF THE COMMITTEE WILL BE TAKEN ON A "WITHOUT OBJECTION" BASIS TO THE EXTENT POSSIBLE.

3) EACH OF THE COMMITTEE MEMBERS CAN BE ASSISTED BY UP TO TWO STAFF ASSISTANTS AS NECESSARY. NO OTHER PERSONS WILL PARTICIPATE IN THE DELIBERATIONS OR INVESTIGATIVE WORK OF THE COMMITTEE. NO PERSON DIRECTLY INVOLVED WITH THE ISSUE OF MISSING PERSONS MAY BE APPOINTED AS STAFF ASSISTANT. THE COMMITTEE WILL NOT REQUEST OUTSIDE EXPERT ASSISTANCE.

4) THE COMMITTEE WILL NOT HAVE A CHAIRMAN. BUT THE MEETINGS WILL BE DIRECTED BY THE MEMBERS ON A ROTATING BASIS

FOR A PERIOD OF ONE MONTH DURATION. THE FIRST DIRECTOR WILL BE THE REPRESENTATIVE OF THE ICRC, TO BE FOLLOWED BY THE TURKISH CYPRIOT MEMBER OR THE GREEK CYPRIOT MEMBER, TO BE DETERMINED AT THE FIRST MEETING BY LOT.

5) THE THREE MEMBERS OF THE COMMITTEE WILL MEET IMMEDIATELY AND WILL CONTINUE IN REGULARLY-SCHEDULED SESSIONS FOR AS LONG AS REQUIRED.

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6) ALL PARTIES CONCERNED SHALL COOPERATE WITH THE COMMITTEE TO ENSURE ACCESS THROUGHOUT THE ISLAND FOR THE INVESTIGATIVE WORK OF THE COMMITTEE.

7) THE COMMITTEE SHALL LOOK ONLY INTO THE CASES OF PERSONS REPORTED MISSING IN THE INTERCOMMUNAL FIGHTING AND IN THE EVENTS AFTER JULY 20, 1974.

8) THE ORDER OF INVESTIGATION WILL BE DECIDED BY THE COMMITTEE, BUT IT IS AGREED THAT THE FIRST INVESTIGATIVE CASE WILL BE PUT FORWARD BY THE TURKISH CYPRIOT MEMBER OF THE COMMITTEE. THIS WILL BE FOLLOWED BY A CASE PUT FORWARD BY THE GREEK CYPRIOT MEMBER. THE INVESTIGATIONS WILL ROTATE TO THE EXTENT POSSIBLE UNTIL ALL CASES HAVE BEEN EXAMINED.

9) THE COMMITTEE'S ENTIRE PROCEEDINGS AND FINDINGS WILL BE STRICTLY CONFIDENTIAL. ANY VIOLATION OF THIS RULE WOULD PLACE THE WORK OF THE COMMITTEE IN JEOPARDY.

10) THE COMMITTEE WILL DETERMINE WHETHER TO ISSUE PUBLIC STATEMENTS OR REPORTS WITHOUT PREJUDICE TO PARAGRAPH 9.

11) THE COMMITTEE WILL NOT ATTEMPT TO ATTRIBUTE RESPONSIBILITY FOR THE DEATHS OF ANY MISSING PERSONS OR MAKE FINDINGS AS TO THE CAUSE OF SUCH DEATHS.

12) NO DISINTERMENT OF MISSING PERSONS WILL TAKE PLACE. IF, UPON THE COMPLETION OF ITS WORK, THE COMMITTEE SO RECOMMENDS, THE ICRC, WITH THE COOPERATION OF THE PARTIES, WILL EXERCISE RESPONSIBILITY IN THIS MATTER.

13) THE COMMITTEE WILL USE ITS BEST EFFORTS TO DRAW UP COMPREHENSIVE LISTS OF MISSING PERSONS OF BOTH COMMUNITIES, SPECIFYING AS APPROPRIATE WHETHER THEY ARE ALIVE OR DEAD, AND IN THE LATTER CASE, APPROXIMATE TIME OF THE DEATHS.
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(4)THE ESTABLISHMENT OF THE COMMITTEE WILL BE ANNOUNCED BY THE ICRC UPON AGREEMENT TO THIS WORKING PAPER BY THE TWO COMMUNITIES. (END TEXT) VANCE

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<< END OF DOCUMENT >>

Message Attributes

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